**Policy Manual**

**Table of Contents**

**Chapter 5: Transition**

**5-1**

**Overview**

|  |  |
| --- | --- |
| **Topic** | **Number** |
| General | 5-2 |
| Notification to the SEA and LEA | 5-3 |
| Transition Conference | 5-4 |
| Transition Plan | 5-5 |
| Transition conference and IFSP meeting to develop transition plan | 5-6 |
| Part C Extension “EIS Over 3” | 5-7 |

**5-2**

**General**

The Connecticut Birth to Three System under the Office of Early Childhood (OEC) ensures:

1. the implementation of policies and procedures that will result in a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C of IDEA to:
   1. Preschool or other appropriate services for toddlers with disabilities; or
   2. Exiting the program for infants and toddlers with disabilities.
2. A description of how Connecticut meets each of the requirements of this chapter.
3. An interagency agreement written between the lead agency and the Connecticut State Educational Agency (SEA) will ensure:
   1. A seamless transition between services under Part C of IDEA and under Part B of IDEA, an interagency agreement addresses how the lead agency and the SEA meet the requirements of this chapter and §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f), and 300.323(b).
4. Any policy the lead agency has adopted under §303.401(d) and (e).
5. The transition requirements in this chapter apply to all toddlers with disabilities receiving services under Part C of IDEA before those toddlers turn age three.

**5-3**

**Notification to the SEA and appropriate LEA**

1. The lead agency ensures that:
   1. Since all toddlers receiving services under early intervention may be eligible for preschool services under Part B of IDEA, not fewer than 90 days before the third birthday of the toddler with a disability, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of IDEA, as determined in accordance with Connecticut law. In accordance with §303.401(d) the following information will be shared: i) A child’s name. (ii) A child’s date of birth. (iii) Parent contact information (including parents’ names, addresses, and telephone numbers);
   2. Since all toddlers receiving services under early intervention may be eligible for preschool services under Part B of IDEA, The Connecticut Birth to Three System, as soon as possible after determining the child’s eligibility more than 45 but less than 90 days before that toddler’s third birthday, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of IDEA, as determined in accordance with Connecticut law. In accordance with §303.401(d) the following information will be shared: i) A child’s name. (ii) A child’s date of birth. (iii) Parent contact information (including parents’ names, addresses, and telephone numbers); or
2. If a toddler is referred to the Connecticut Birth to Three System fewer than 45 days before that toddler’s third birthday and that toddler may be eligible for preschool services under Part B of IDEA, The Connecticut Birth to Three System, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the Connecticut Birth to Three System is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

**5-4**

**Transition Conference**

1. The lead agency ensures that:
   1. For toddlers receiving services under Part C of IDEA who may be eligible for preschool services under Part B of IDEA, The Connecticut Birth to Three System with the approval of the family of the toddler, convenes a conference, among early intervention providers, the family, and the LEA not fewer than 90 days, and, at the discretion of all parties, not more than 9 months, before the toddler’s third birthday to discuss any services the toddler may receive under Part B of IDEA; and
   2. If the lead agency determines that a toddler with a disability is not potentially eligible for preschool services under part B of the Act, which is defined as children who exit Part C prior to turning 2 ½ years of age, the Connecticut Birth to Three System with the approval of the family of that toddler makes reasonable efforts to convene a conference among the child’s Birth to Three program, the family and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

**5-5**

**Transition Plan**

1. The lead agency ensures that:
   1. Program options for all toddlers with disabilities are reviewed for the period from the toddler's third birthday through the remainder of the school year; and
   2. Each family of a toddler with a disability who is served under Part C of IDEA is included in the development of the transition plan required under this section and §303.344(h);
   3. A transition plan is established in the IFSP not fewer than 90 days--and, at the discretion of all parties, not more than 9 months--before the toddler’s third birthday; and
   4. The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate:
   5. Steps and services for the toddler with a disability and his or her family to exit from the Part C program to effect a smooth transition of the child to preschool special education or other appropriate services; The steps include discussions with and training of parents as appropriate regarding future placements and other matters related to the child’s transition.
   6. Any transition services and other activities that the IFSP team identifies as necessary to support the transition of the toddler and his or her family;
   7. Procedures to prepare the child for changes in service delivery including steps to help the child adjust to, and function in, a new setting; and
   8. Confirmation that the child find information about the child has been transmitted to the LEA or other relevant agency in accordance with §303.209(b) and with parental consent, if required under §303.414, transmission of additional information needed by the LEA to ensure continuity of services from the Part C program to the Part B program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP developed in accordance with §§303.340-303.345.

**5-6**

**Transition conference and IFSP meeting to develop transition plan**

Any conference conducted under section 5-4 or meeting to develop the transition plan under section 5-5, which conference and meeting may be combined into one meeting, must meet the requirements in §§303.342(d) and (e) and 303.343(a).

**5-7**

**Part C Extension – Early Intervention Services for Children Over Age Three (EIS Over 3) –** *Added May 5, 2021*

The extension of Part C to children over age 3 applies only to children who

* are enrolled in Birth to Three and receiving early intervention services,
* are eligible for preschool services under Section 619 of the IDEA, and
* turn age three on or after May 1 of each year through the start of their school year after the child’s third birthday.

For those children and their families the lead agency ensures that:

1. The requirements under IDEA 20 USC 1412 Sections 612 (State eligibility), 616 (Monitoring, technical assistance, and enforcement), 618 (Program information), 632 (Definitions) and 635 (Requirements for statewide system) as well as 34 CFR §303.209 (Transition to preschool and other programs), §303.211 (State option to make services under this part available to children ages three and older), §§303.340-344 (Individualized Family Service Plan), will remain in effect for all children over age three when a parent consents to continue EIS over age 3. The right of any child to receive a free appropriate public education (FAPE) under Part B is not affected by this policy;
2. All early intervention services outlined in the child's individualized family service plan (IFSP) will continue while any eligibility determination is being made for Part B services. Connecticut Part C has not adopted Part B procedural safeguards. This means that during transition planning and EIS Over 3, both Part C procedural safeguards (20 USC 1412 Section 639) and Part B procedural safeguards (Section 615) will be available to families;
3. In addition to the Birth to Three Parent’s Rights brochure which is provided annually to all families in Part C, at the transition conference, no later than 90 days before age three, parents of children potentially eligible for EIS Over 3 will receive a written explanation of,
   1. the rights of parents to elect to receive early intervention services pursuant to Section 635(c) and 34 CFR 303.211 or under Part B; and
   2. the differences between the supports provided pursuant to Section 635(c) and 34 CFR 303.211 and services provided under Part B, including: (1) types of services and the locations at which the services are provided; (2) applicable procedural safeguards; and (3) possible costs, if any, to parents of children eligible under Part C (including any fees to be charged to families as described in Section 632(4)(B)), 34 CFR §§303.209(f)(2).
4. Families who consent to including their LEA in their transition planning will be provided a copy of the Procedural Safeguards in Special Education for Part B from their LEA;
5. As with EIS for children under age 3, EIS provided for families with children over age 3 shall be funded using the following; commercial insurance, public insurance, lead agency state allocation, IDEA Part C and Part B funds;
6. Public and private insurance will be billed as described in the lead agency’s approved System of Payment policy however families will not be required to pay Family Cost Participation fees when receiving EIS Over age 3;
7. For children determined to be eligible for Part B an Individualized Education Plan (IEP) will be developed so that FAPE may be available at age 3;
8. Before a child the reaches 3 years of age, a parent will provide signed informed written consent, as to whether such they intend to choose the continuation of early intervention services pursuant to Sections 635(c) and 34 CFR 303.211;
   1. Using CDSE Form ED626 the parent will indicate to their LEA whether or not they consent to the initial provision of special education services as written in the IEP;
   2. Parents who do not consent to 8 (a) may elect to delay the implementation of their IEP and choose to continue the EIS in their IFSP until the start of the school year following their child’s 3rd birthday;
      1. Parent choosing to continue EIS under Part C will provide to their EIS program their signed informed written consent of this decision on Birth to Three Form 5-5 “Consent to Receive EIS Over Age 3”.
9. IFSP services provided pursuant to Section 635(c) and 34 CFR 303.211 will include an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills;
10. When early intervention services are provided accordance with Part C and 34 CFR 303.211 to a child who is eligible for services under Section 619, the LEA is not required to provide such child with FAPE. [612(a)(1)(C)]
11. Children served pursuant to this section have the right, at any time, to receive FAPE (as that term is defined at § 303.15) under Part B of the Act instead of early intervention services under part C of the Act. Families may exit Part C at any time but they may only elect to exit Part C one time after their child has reached age 3;
12. The state shall submit to the secretary of the US Department of Education, in the state's report under Section 637(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under Section 619 but whose parents choose for such children to continue to receive early intervention services under Part C. 635(c)(3) and 34 CFR 303.211; and
13. Through a Memorandum of Understanding between the lead agency and the SEA, children who
    1. qualify for EIS Over 3 based on their birth date,
    2. are referred to Part C between 97 and 46 days before their third birthday, and
    3. are determined to be eligible for Part C,

will be considered eligible for Part B on an interim basis until the LEA completes its eligibility determination. If the child is ultimately determined to be eligible for Part B, the family will be offered the choices in this policy and may continue in Part C until the day before the implementation date on the IEP. If the child is not eligible for Part B, the child will exit Part C the day after the family is notified by the LEA of the results.